C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 002020

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DEPARTMENT FOR SCA/INS

E.O. 12958: DECL: 12/06/2016
TAGS: PGOV PREL PTER PHUM MOPS CE
SUBJECT: SRI LANKAN FOREIGN MINISTER SAYS CABINET TO
REIMPOSE PREVENTION OF TERRORISM ACT IN LIEU OF BANNING LTTE

REF: A) COLOMBO 2015 B) COLOMBO 2014

Classified By: Ambassador Robert O. Blake, Jr., for reasons 1.4(b,d).

¶1.   (C) SUMMARY: In a December 5 meeting with Foreign
Minister Mangala Samaraweera, Ambassador strongly urged the
Sri Lankan government (GSL) to refrain from proscribing the
LTTE ("Tamil Tigers," saying it would effectively put an end
to the peace process. The Minister responded that the
government probably would not take such action; the President
had decided against it. However, it was more than likely the
Cabinet would take a decision to reimpose parts of the
Prevention of Terrorism Act (PTA). The government was aware
that this might constitute a "unilateral amendment" of the
Ceasefire Agreement, however, and the Attorney General's
office would try to avoid such a conflict. The Norwegian
mission to the Tamil Tiger de facto capital Kilinochchi would
probably take place later in the week, Samaraweera said. The
Ambassador also brought up the rapid deterioration in the
human rights situation in the country, and urged that the GSL
take action to pre-empt future pressure for international
action by improving its record on human rights. End summary.

LTTE BAN NOT LIKELY

¶2.   (C) Ambassador, speaking on behalf of the Tokyo
Conference Co-Chairs, strongly urged Samaraweera to weigh in
with the Cabinet not to ban the LTTE (ref a), as this
effectively would mean the end of the peace process. It
would be far better, he said, to pursue the SLFP-UNP effort
under the MoU between the two parties, which the Co-Chairs
believed represents a genuine opportunity for peace. The
Foreign Minister responded that the Cabinet probably would
not ban the LTTE) the President had decided this was
probably not the wisest course -- but the government would
likely reimpose parts of the Prevention of Terrorism Act
(PTA). The GSL was still debating the effect on the CFA,
Samaraweera said. One of the clauses of the CFA specified
that no searches or arrests would be undertaken under the
PTA, which had consequently been dormant since 2002.

¶3.   (C) Samaraweera asked how the international community
would probably react to this. Ambassador said such a move
would rekindle fears that the Sri Lankan government was
jettisoning civil liberties and basic human rights in order

to fight the Tamil Tiger insurgency. He urged the GSL not to take any actions that would lead to a further deterioration in the human rights situation. Samaraweera responded that one thought was to reimpose the PTA only until the next round of peace talks to give the LTTE an incentive to come back to the negotiating table.

HUMANITARIAN ACCESS

¶4. (C) Ambassador also strongly urged on behalf of the Co-Chairs that the Cabinet not ban the travel of expatriate staff into areas of the north and east controlled by the LTTE. He pointed out that the GSL had gotten credit for allowing 18 international NGOs to continue their work, and that decision should stand. The FM agreed, saying that he did not think the Cabinet would take action to limit INGO work in the north and east.

HUMAN RIGHTS

¶5. (C) Ambassador told the Foreign Minister frankly, "speaking as a friend," that the human rights situation in the country was deteriorating rapidly. GSL institutions had so far failed to act as a check. With the Commission of Inquiry on Human Rights soon to start its work, continued fallout from the report by the UN Special Adviser on Children and Armed Conflict Allan Rock, and other disclosures, the government could expect to come under increasingly heavy public criticism from the international community. Rather than "shooting the messenger," the path the government had apparently chosen to deal with Rock, the GSL should seize the opportunity to pre-empt further criticism by reviving its constitutional bodies. Specifically, the GSL should

COLOMBO 00002020 002 OF 002

reconstitute the Constitutional Council, thereby allowing it to replace the discredited chair of the Human Rights Commission, and revive other commissions. Otherwise, there would likely be an international consensus that GSL institutions could not check human rights abuses and consequent pressure to deploy international human rights monitors.

NORWAY

¶6. (C) Ambassador expressed regret over the appearance of several interviews with the leader of the breakaway Eastern faction of the LTTE, Karuna, in the government paper Daily News, in which he made several scurrilous claims against senior Norwegian peace facilitator Solheim (ref b). Such actions were beneath the Government, the Ambassador said. The Minister agreed, saying that he had been embarrassed for his country.

¶7. (C) COMMENT: Septels will report Ambassador's meetings with opposition leader Ranil Wickremesinghe, Human Rights Minister Mahinda Samarasinghe, and the Cabinet decision not to ban the LTTE. Samaraweera appears to have won out against government hardliners by ensuring the government does not cross the line by unilaterally abrogating part of the CFA. However, the peace process is still hanging by a thread. It will be up to the Norwegian facilitators, if they receive permission to travel to Kilinochchi later this week, to keep the LTTE on board for talks that could resume early next year. BLAKE